

Exhibit D

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

THE STATE OF LOUISIANA,
By and through its Attorney General, JEFF
LANDRY,

THE STATE OF MONTANA,
By and through its Attorney General, AUSTIN
KNUDSEN,

THE STATE OF ARIZONA,
By and through its Attorney General, Mark
Brnovich, et al.,

PLAINTIFFS,

v.

XAVIER BECERRA, in his official capacity as
Secretary of Health and Human Services; et al.,

DEFENDANTS.

CIVIL ACTION NO. _____

DECLARATION OF
Jane Elizabeth Burdeshaw

I, Jane Elizabeth Burdeshaw, hereby declare:

Background and Experience

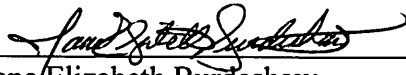
1. I make this declaration based on my personal and professional knowledge and experience, information available to me in my position in public service, and publicly available information.
2. I am the Commissioner for the State of Alabama Department of Rehabilitation Services (“ADRS,” or the “Department”).
3. ADRS is an agency of the State of Alabama and receives funding from the State.
4. As the Commissioner of ADRS, I oversee the Children’s Rehabilitation Service (“CRS,” or the “service.”) The CRS is a statewide system of services for children with special health care needs and their families and adults with hemophilia.
5. I have reviewed the Centers of Medicare and Medicaid Services’ Interim Final Rule entitled “Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination (“the mandate”). I understand that the mandate requires certain Medicaid and Medicaid providers to, in turn, require their covered employees to be “fully vaccinated” by January 4, 2022.

Impact of CMS Mandate on ADRS

6. The Children’s Rehabilitation Service aids every county in Alabama through a network of 14 community-based offices staffed with skilled professionals who provide quality medical, rehabilitative, and educational support services. The employees of these offices appear to be subject to the mandate.
7. These community-based offices offer services including clinical interventions, medication, specialized equipment, therapy services, and care coordination provided by doctors, nurses, social workers, therapists, audiologists, and nutritionists.
8. There are approximately 211 state employees working in the Children’s Rehabilitation Service and approximately 46 contracted doctors, therapists, and parent support specialists.
9. State law prohibits ADRS from soliciting its employees’ vaccination status. *See* Ala. Act. 2021-493 § 1(a). However, ADRS is aware that about 83 % of its CRS employees are vaccinated against COVID-19.
10. If ADRS were to lose employees due to the mandate, it could jeopardize the ability of ADRS—and, accordingly, of the State—to perform its community-based children’s rehabilitation services.

11. CRS receives approximately 64% of the Service's total budget in federal funding.
12. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge.

11/15/21
Date



Jane Elizabeth Burdeshaw
Commissioner
Alabama Department of Rehabilitation Services